IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
Contempt Petition No.132/2007

Ananta s/o Ramchandra Dakshindas vs. Smt. Mukta wd/o Madhukar Dakshindas and others.

Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders.

CORAM : A.P. Lavande,J
DATE : 30.10.2007

Heard Mr. Pendharkar, the learned Senior Counsel with Mr. S.P.Headoo, learned counsel for the petitioner.

By this Contempt Petition, the petitioner seeks initiation of the contempt proceedings against the respondents on the ground that the undertakings given on their behalf in Civil Revision Applications 118 and 119 of 1999 have been breached and on the contrary obstacles are being put in the execution proceedings filed by the petitioner. The learned Senior Counsel submitted that merely because the remedy of execution is available to the petitioner that by itself is not a ground for not to initiate the contempt proceedings. In support of this submission reliance has been placed on the Judgment in Rama Narang v. Ramesh Narang and another (AIR 2006 Supreme

Court, 1883).

Having considered the submissions made by Mr. Pendharkar, the learned Senior Counsel for the petitioner and having perused the records I find that the petitioner has not made out any case for initiation of contempt proceedings. Firstly, there is no undertaking given in the orders dated 22.2.1999 passed in Civil Revision Application No. 118/99. It has been stated in the said orders that the learned counsel for the parties agree to cooperate in the matter and get the suit premises partitioned in accordance with the order in Special Civil Suit No. 588/1992. By no stretch of imagination this can be construed as an undertaking. Moreover, the legal representatives of Madhukar are sought to be held liable on the basis of the statement made by the learned counsel. Hence, no case is made out for initiation of contempt proceedings against the respondents.

Judge

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